

Council on Human Rights
Wednesday, September 15, 2004
Council's Boardroom, 4th Floor
Pocahontas Building
1:00 p.m.

Council Members Present: Jon D. Strother, Chairman; Charles Baugham; Douglas Boulter; David Drachsler; Tom Knox; Jagdish Singh; and Leslie Teets.

Staff Present: Rita R. Henderson, Director; Sandra D. Norman, Assistant Director; Gerald Snead, EEO Manager; and Timothy Wilson, Administration/Operations Manager.

Council's Attorney Present: Marty Parrish, Senior Assistant Attorney General

Approval of Minutes

The minutes from the July 21, 2004 meeting were adopted with an addition to include the discussion on subpoenaing witnesses during investigations.

Introductions and Welcome

The Chairman opened the meeting, greeted everyone and then introduced Dr. Leslie Teets, M.D., a newly appointed member. Following Dr. Teets' brief remarks about her prior experiences, board members and staff introduced themselves to her.

Director's Report

The Director congratulated the Chairman for his efforts to help Fauquier County create a Human Rights Commission. She distributed copies of an article in the Fauquier Times-Democrat, dated September 15, 2004, that featured the Chairman and described his involvement with the development of the commission. At the Director's request, the Chairman gave a brief overview of the county's efforts. The Chairman pointed out that this commission will serve as an arm of the county's Board of Supervisors and will operate without enforcement authority. The Virginia Beach Human Rights Commission will serve as a consultant with Fauquier County because they also operate without enforcement authority.

Ms. Henderson gave an overview of two (2) training conferences that staff attended. The International Association of Human Rights Agencies (IAOHRA) sponsored a training session in Chicago, Illinois on August 4-9, 2004. The EEOC-FEPA Regional Conference was held in Oglesbay, West Virginia, from September 7-10, 2004. Conference materials from both conferences were circulated.

The Council is required to submit reports on a weekly and monthly basis to the Governor's Office. These reports highlight the agency's financial performance and day to day operations. The Council submits the following monthly reports: eVA (an electronic marketplace for buyers and sellers for state procurement), Virginia Results (performance management system linking strategic planning, performance measurement, program evaluation, and performance budgeting), SWAM reporting (Small, Women-owned, and Minority-owned businesses), eVA Dashboard (eVA's monthly progress and usage), and other performance measures.

Ms. Henderson talked about the state's Freedom of Information Act (FOIA) that was listed next on the agenda. She spoke briefly about the presenter, Jim Hopper, who is a Senior Assistant Attorney General who specializes in FOIA and the importance of and need for staff and board members to be aware of the current state laws, regulations, and procedures regarding FOIA and privacy.

Ms. Henderson presented an update on three (3) cases that were successfully mediated by Investigator Snead. The financial settlement that was given to the three complainants from these mediations totaled \$18,590.00.

Virginia Freedom of Information Act Presentation

The Chairman introduced Jim Hopper of the Office of the Attorney General – Division of Civil Litigation. Mr. Hopper gave an informative presentation on the state's Freedom of Information Act. He distributed three (3) handouts to aid with his presentation: a brief on the Commonwealth of Virginia – Freedom of Information Act including its policy, definitions, etc; a copy of the 2004 Virginia Freedom of Information Act; and a copy of the Rights and Responsibilities of the Virginia Freedom of Information Act. Discussions centered around e-mails from board members discussing state business and conference calls for committee and board meetings. Mr. Hopper then talked about the Freedom of Information Advisory Council, also known as the FOIA Council. This council reports to the Division of Legislative Services.

At the conclusion of the presentation, Mr. Hopper and Ms. Parrish, answered questions and addressed concerns regarding the act and its relationship to the agency's regulations. After a timely discussion, the Chairman urged the Director to set-up a follow-up meeting with himself, the Director, Assistant Director, and Ms. Parrish to discuss the Virginia FOIA and the agency's regulations.

Chairman's Report and New Business

The Chairman distributed draft copies of the proposed appeal process for the agency and a timely discussion was held on how to improve the appeal process. There are time constraints governing the submission of amendments to the agency's regulations to the Governor and Attorney General's office. The proposed process should coincide with the agency's regulations and with the current state FOIA law.

Member Singh asked about the impact that U.S. House Bill 570 had on the Council. This bill has no impact on the Council.

Member Boulter presented the attached proposed resolution that stated that the Director should not release any information if possible in a redacted FOIA request during an appeal process. The Chairman directed that the proposed resolution be discussed at the next meeting.

The meeting adjourned at 3:59 p.m.

Submitted by,

Jon Strother
Chairman

Timothy Wilson
Recorder